

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

GERARDINO MORENO,

Defendant.

8:09CR43

ORDER

This matter is before the court on the defendant's motion to continue trial (Doc. [24](#)). The motion was previously held in abeyance and the defendant was given until and including April 10, 2009 to comply with [NECrimR](#) 12.1(a) and paragraph 9 of the Progression Order (Doc. [13](#)), that is, to file an affidavit or declaration stating that defendant:

- (1) Has been advised by counsel of the reasons for seeking a continuance;
- (2) Understands that the time sought by the extension may be excluded from any calculation of time under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*; and
- (3) With this understanding and knowledge, agrees to the filing of the motion.

The defendant has not complied with this rule.

IT IS ORDERED that the motion to continue trial (Doc. 24) is denied, without prejudice to reassertion in full compliance with NECrimR 12.1(a) and paragraph 9 of the Progression Order (Doc. 13).

DATED April 13, 2009.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge